

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

TECH DATA CORPORATION,

Plaintiff,

v.

Civil Action No. 05-667(GMS)

HEWLETT-PACKARD COMPANY,

Defendant.

**HEWLETT-PACKARD COMPANY'S  
REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF ITS  
MOTION TO DISMISS TECH DATA'S COMPLAINT**

Defendant Hewlett-Packard Company ("HP"), by and through its attorneys, respectfully requests that this Court take judicial notice pursuant to Federal Rule of Evidence 201 ("Rule 201") of the following document in support of HP's Motion To Dismiss Tech Data's Complaint for failure to state a claim upon which relief can be granted.

Rule 201 authorizes and directs a court to take judicial notice of any fact if requested by a party and supplied with the necessary information, provided the fact is not subject to reasonable dispute and is either (1) generally known within the territorial jurisdiction of the trial court, or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot be reasonably questioned. *See* Rule 201(a), (b), (d), and (f). This authority allows the Court to take judicial notice of the following document, which is publicly available through the United States Bankruptcy Court for the District of Delaware:

1. Tech Data's Proof of Claim filed in *In re Inacom Corp., et al.*, on or about June 27, 2000, in the United States Bankruptcy Court in the District of Delaware, case number 00-2426 (PJW), in the amount of \$929,187.11 for miscellaneous computer product. A true and correct copy of Tech Data's Proof of Claim is attached hereto as Exhibit A. HP respectfully requests that the Court take judicial notice of the Proof of Claim as a document that is "generally known within the territorial jurisdiction of the trial court," or "capable of accurate and ready determination by resort to sources whose accuracy cannot be reasonably questioned."

Dated: October 4, 2005  
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL



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